

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Second Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 1, 2004 - March 30, 2005

**First Special Session**

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
FIRST SPECIAL SESSION  
6th Legislative Day  
Wednesday, April 13, 2005

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Mark D. Wilson, Phippsburg Congregational Church.

National Anthem by Hall Dale High School Concert Band, Farmingdale.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 138)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 7, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 701 An Act To Ensure Equality in School Funding  
L.D. 764 Resolve, To Study Ways To Create More Teachers of Modern and Classical Languages  
L.D. 797 An Act Authorizing the State Board of Education To Mediate School Attendance Disputes  
L.D. 811 An Act To Assist the Implementation of the Essential Programs and Services School Funding Model  
L.D. 875 An Act To Change the Procedure When a Maine School Administrative District Budget Fails  
L.D. 883 An Act To Require All School Administrators To Spend Time Weekly in the Classroom with Students  
L.D. 1062 An Act To Provide Financial Accommodation under the Essential Programs and Services Funding Act for School Systems with Dead-end Bus Runs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth H. Mitchell

Senate Chair

S/Rep. Jacqueline Norton

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 139)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 7, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1114 An Act To Strengthen the OUI Laws

L.D. 1166 An Act To Impose More Stringent Penalties for Driving after Drinking

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Patricia A. Blanchette

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 140)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 7, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 63 An Act To Use the Buying Power of the State To Purchase Heating Oil for Low-income and Elderly Residents

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Christopher R. Barstow

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 141)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 7, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 249 An Act To Amend the Calculation for Annual County Tax Assessments

L.D. 992 An Act To Reform County Governance

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Elizabeth M. Schneider  
Senate Chair  
S/Rep. Christopher R. Barstow  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 142)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**  
**COMMITTEE ON TAXATION**

April 7, 2005  
Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Edmonds and Speaker Richardson:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":  
L.D. 87 An Act To Phase Out the Corporate Income Tax over a 5-year Period  
L.D. 987 Resolve, Directing the Bureau of Revenue Services To Review the Law Governing the Taxation of Corporate Income  
L.D. 1032 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax  
L.D. 1150 An Act To Promote and Facilitate Personal Retirement Saving in Maine  
L.D. 1235 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That a Citizen-initiated Measure That Imposes a New or Increased Tax or Fee Be Approved by the Legislature and Signed by the Governor  
L.D. 1240 An Act To Change the Maine Income Tax Rates

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Joseph C. Perry  
Senate Chair  
S/Rep. Richard G. Woodbury  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 143)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**  
**COMMITTEE ON TRANSPORTATION**

April 7, 2005  
Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Edmonds and Speaker Richardson:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":  
L.D. 690 Resolve, Authorizing Relocation of a Certain Private Driveway on Route 26

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,  
S/Sen. Dennis Damon  
Senate Chair  
S/Rep. Boyd P. Marley  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 144)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**  
**COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 7, 2005  
Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Edmonds and Speaker Richardson:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":  
L.D. 1042 Resolve, To Ensure Disclosure in Real Estate Transactions  
L.D. 1046 An Act To Place Seasonal Businesses in a Lower Workers' Compensation Bracket than Year-round Businesses  
L.D. 1222 An Act Regarding Cancellation of Disability Insurance

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Nancy B. Sullivan  
Senate Chair  
S/Rep. Anne C. Perry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 145)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**  
**COMMITTEE ON UTILITIES AND ENERGY**

April 7, 2005  
Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Edmonds and Speaker Richardson:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":  
L.D. 1051 Resolve, Establishing a Study Commission To Examine Water District Fees Assessed for Fire Suppression  
L.D. 1052 An Act To Require Municipalities To Institute Sewer Service Charges

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Philip L. Bartlett II

Senate Chair  
S/Rep. Lawrence Bliss  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.P. 545)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

April 7, 2005  
Sen. Lynn Bromley  
Senate Chair, Joint Standing Committee on Business, Research and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on Business, Research and Economic Development  
122nd Legislature  
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:  
Please be advised that Governor John E. Baldacci has nominated Paul Violette of Westbrook, Edmund Therrien of Presque Isle, and Terence Harrigan of Bangor for appointment as members of the Loring Development Authority. Pursuant to Title 5 M.R.S.A. §13080-B, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development.

Sincerely,  
S/Beth Edmonds  
President of the Senate  
S/John Richardson  
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

**READ and REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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The Following Communication: (S.P. 546)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

April 7, 2005  
Sen. Dennis S. Damon  
Senate Chair, Joint Standing Committee on Marine Resources  
Rep. Leila J. Percy  
House Chair, Joint Standing Committee on Marine Resources  
122nd Legislature  
Augusta, ME 04333

Dear Senator Damon and Representative Percy:  
Please be advised that Governor John E. Baldacci has nominated Dana Rice of Birch Harbor for reappointment and Vincent Balzano of Saco, Randy Newcomb of Perry, Susan Farady of Cape Elizabeth, Glen Libby of Port Clyde, and Timothy Kief of Hancock for appointment as members of the Marine Resources Advisory Council.

Pursuant to Title 12 M.R.S.A. §6024, these nominations will require review by the Joint Standing Committee on Marine Resources.

Sincerely,  
S/Beth Edmonds  
President of the Senate  
S/John Richardson  
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **MARINE RESOURCES.**

**READ and REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

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The Following Communication: (S.P. 547)  
**122ND MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

April 8, 2005  
Sen. Elizabeth H. Mitchell  
Senate Chair, Joint Standing Committee on Education and Cultural Affairs  
Rep. Jacqueline R. Norton  
House Chair, Joint Standing Committee on Education and Cultural Affairs  
122nd Legislature  
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:  
Please be advised that Governor John E. Baldacci has nominated Ann Weisleder of Bangor for appointment as a member of the State Board of Education.

Pursuant to Title 20-A §401, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,  
S/Beth Edmonds  
President of the Senate  
S/John Richardson  
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

**READ and REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act To Amend the Potato Industry Licensing Laws" (H.P. 1110) (L.D. 1572)

Sponsored by Representative LUNDEEN of Mars Hill.  
Cosponsored by Senator MARTIN of Aroostook and Representative: SHERMAN of Hodgdon, Senator: CLUKEY of Aroostook.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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**LABOR**

Bill "An Act To Require Random Drug Testing for Emergency Vehicle Operators"

(H.P. 1108) (L.D. 1570)

Sponsored by Representative CLOUGH of Scarborough.  
Cosponsored by Senator COURTNEY of York and Representatives: DAIGLE of Arundel, HOTHAM of Dixfield, LERMAN of Augusta, TARDY of Newport.

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1111) (L.D. 1573)

Sponsored by Representative MOORE of the Passamaquoddy Tribe.

Cosponsored by Senator RAYE of Washington and Representatives: BIERMAN of Sorrento, DUGAY of Cherryfield, EMERY of Cutler, McFADDEN of Dennysville, PATRICK of Rumford, PERRY of Calais, Senators: GAGNON of Kennebec, PLOWMAN of Penobscot.

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**TRANSPORTATION**

Bill "An Act To Allow Certain Modifications of Motor Vehicles" (H.P. 1109) (L.D. 1571)

Sponsored by Representative COLLINS of Wells.

Cosponsored by Senator DOW of Lincoln and Representatives: CROSTHWAITE of Ellsworth, GERZOFKY of Brunswick, GROSE of Woolwich, MARLEY of Portland, O'BRIEN of Lewiston, SMITH of Monmouth, THOMAS of Ripley, TRAHAN of Waldoboro.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Automobile Inspection Requirements"

(S.P. 30) (L.D. 88)

Signed:

Senators:

DAMON of Hancock  
SAVAGE of Knox  
DIAMOND of Cumberland

Representatives:

MARLEY of Portland  
HOGAN of Old Orchard Beach  
FISHER of Brewer  
McKENNEY of Cumberland  
COLLINS of Wells  
BROWNE of Vassalboro  
MAZUREK of Rockland  
PARADIS of Frenchville  
SAMPSON of Auburn

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

THOMAS of Ripley

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

On motion of Representative MARLEY of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-118)** on Bill "An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates"

(H.P. 20) (L.D. 17)

Signed:

Senators:

DIAMOND of Cumberland  
CLUKEY of Aroostook  
NUTTING of Androscoggin

Representatives:

PLUMMER of Windham  
HANLEY of Gardiner  
GREELEY of Levant  
SYKES of Harrison  
DAVIS of Augusta  
PARADIS of Frenchville

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

BLANCHETTE of Bangor  
CHURCHILL of Washburn  
GERZOFKY of Brunswick  
GROSE of Woolwich

**READ.**

On motion of Representative GERZOFKY of Brunswick, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 124) (L.D. 400) Bill "An Act To Align Maine Special Education Complaint Management Provisions with the Federal Individuals with Disabilities Education Act" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 49) (L.D. 53) Bill "An Act To Criminalize Harming a Dog Used for Law Enforcement Purposes" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

(H.P. 261) (L.D. 348) Bill "An Act To Expand Supervised Community Confinement Options for a Person with a Terminal Illness" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-120)**

(H.P. 274) (L.D. 361) Bill "An Act To Reestablish the Penobscot County Budget Committee" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-126)**

(H.P. 362) (L.D. 487) Bill "An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-122)**

(H.P. 577) (L.D. 812) Bill "An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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**CONSENT CALENDAR**

**Second Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 207) (L.D. 652) Bill "An Act To Provide Free Deer Hunting Licenses to Persons 100 Years of Age or Older" (C. "A" S-70)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

(H.P. 303) (L.D. 418) Bill "An Act To Exempt Certain Tires from the Speed Rating Requirements" (C. "A" H-117)

On motion of Representative DUPLESSIE of Westbrook, was **REMOVED** from the Second Day Consent Calendar.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE OF THE COMMITTEE REPORT** and specially assigned for April 14, 2005.

**BILLS IN THE SECOND READING  
House as Amended**

Bill "An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners"

(H.P. 22) (L.D. 19)  
(C. "A" H-116)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-114) - Minority (3) Ought Not to Pass - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Amend the Maine Juvenile Code"**

(H.P. 181) (L.D. 242)

**TABLED - April 6, 2005 (Till Later Today)** by Representative BLANCHETTE of Bangor.

**PENDING - Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.**

Subsequently, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-114) was READ** by the Clerk and **ADOPTED.**

Representative FAIRCLOTH of Bangor moved that the House **RECONSIDER** its action whereby **Committee Amendment "A" (H-114) was ADOPTED.**

Representative FAIRCLOTH of Bangor **PRESENTED House Amendment "A" (H-125) to Committee Amendment "A" (H-114)**, which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment is a substantive one, but is one about which I have had discussions with the Chair of the committee and with the sponsor of the bill who is on the committee with Representative Gerzofsky who is on the Minority Report. It is my understanding that it is a consensus approach to this issue. In essence, this legislation has

to do with juvenile offenses and as you know we have centuries of tradition of having statutes of limitation in the law to protect defendants in crimes where the issues have become stale. This would allow for the piercing, if you will, under this amendment, of the statute of limitations where we have the use of modern DNA evidence. It would continue to allow for that, which is much of the heart; of the intent of the original bill. It retains the statute of limitations for the other juvenile offences where there is not DNA evidence brought forward by a prosecutor. Thank you Men and Women of the house.

The **SPEAKER:** The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR:** Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER:** The Representative may pose his question.

Representative **CARR:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question is - apparently under the summary in the amendment - the state must present evidence based on DNA to the court in a closed hearing that implicates the defendant in a crime and - I guess my problem with this is - by a preponderance of the evidence. Maybe we could have an explanation why it would be a preponderance rather than beyond a reasonable doubt.

The **SPEAKER:** The Representative from Lincoln, Representative Carr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's a good question and I appreciate the question, but for clarification this would only allow the issue to go forward. That is it would go to the judge, the prosecution would make a presentation and if the judge was satisfied then they would still have to go through the full proceeding that would meet other standards of proof as was contemplated by the original bill. What this is purely allowed to do, is to allow, where there is DNA evidence somewhat similar to a grand jury proceeding, that they may go forward beyond what is the normal statutes of limitation. So, they would still be constrained by the normal burdens of proof later on in the process this just gets them through that step as to the DNA.

Representative **CARR** of Lincoln **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-125).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Adoption of House Amendment A (H-125). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 77**

**YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Cummings, Curley, Daigle, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lundeen, Makas, Marean, Marley, McCormick, Merrill, Miller, Millett, Mills, Moody, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson M, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle,**

Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bryant-Deschenes, Carr, Cebra, Crosthwaite, Curtis, Davis G, Duprey, Fitts, Flood, Hamper, Joy, Lansley, McFadden, McKane, McKenney, McLeod, Moore G, Moulton, Pinkham, Richardson D, Richardson E, Richardson W, Seavey, Stedman, Thomas, Vaughan.

ABSENT - Brannigan, Canavan, Dudley, Hotham, Lewin, Lindell, Marraché, Mazurek, Muse, Ott.

Yes, 111; No, 30; Absent, 10; Excused, 0.

111 having voted in the affirmative and 30 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-125) was ADOPTED.**

Subsequently, **Committee Amendment "A" (H-114), as AMENDED by House Amendment "A" (H-125) was ADOPTED** and was assigned for **SECOND READING** Thursday, April 14, 2005.

A thousand years from now, when the bitter politics of our time are long forgotten, mothers will hold their children and say: Franklin Roosevelt, be like him! Mr. Speaker, I request a moment of silence in honor of Franklin Roosevelt, gone these 60 years, but never to be forgotten. Thank you.

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On motion of Representative COLLINS of Wells, the House adjourned at 11:05 a.m., until 10:00 a.m., Thursday, April 14, 2005 and in honor and lasting tribute to Robert B. Roche, of Wells and Elizabeth Ann Peters, of North Anson.

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The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth who wishes to address the House on the record.

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Winston Churchill drank booze for breakfast - and lunch and dinner for that matter - and was often rude, sometimes racist, unquestionably sexist, and clearly obese yet he is a hero to me, because he had the heart of a lion. Republicans wisely point to Churchill as a great sage, so it is worth asking who were the favorite Presidents of this sage?

Nine letters define them, FDR, JFK, HST. So, Winston was sage indeed, but Churchill believed the best of this exemplary lot was Franklin Delano Roosevelt who died at Warm Springs, Georgia 60 years ago, last night. FDR is remembered most for two deeds. The unparalleled growth of capitalism and for the fight against Nazism, but today I hope you remember Franklin Roosevelt as a swimming teacher.

FDR was stricken by Polio in 1921 off Campobello on the coast of Maine. He was 39 and widely considered a lightweight and washed up. No cripple could ever be elected to high public office. His mother agreed. She pleaded with Franklin to retire to Hyde Park and tend to his stamp collection.

FDR had different plans. Hot springs, it was believed, could rejuvenate paralytic legs so FDR went to Warm Springs, Georgia and struggled with all his heart to learn to walk, by learning to swim. He built for himself, what the fighter Jack Dempsey called the most powerful torso Dempsey had ever seen, but more than that FDR bought a tumbled down hotel and created a camp. A camp to which he invited crippled children, hundreds of crippled children, sometimes paying their way himself.

FDR believed that through sheer optimism and smiling determination he could, by teaching these children to swim, teach them to walk again, but not one of these children ever walked again. Not one. But, these children, FDR's swimming students, were inspired by FDR to become doctors, teachers, social workers, lawyers, politicians, priests and rabbis and they didn't stay in the shadows. They became active, competitive people out to change the world and make it better.

Franklin Roosevelt taught these crippled children, as he taught a crippled nation that, "The only thing we have to fear is fear itself." Franklin Roosevelt had beyond measure the greatest human quality, courage. Franklin Roosevelt knew that the heart that is most courageous is the heart that is most kind. As we consider policies effecting children, the disabled, the aged and the mentally ill, let us remember that we could all use swimming lessons from Franklin Delano Roosevelt.